

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY MARCH 13, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 97**

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**Introduced by Assembly Member Mendoza**

December 21, 2006

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An act to add Chapter 12.6 (commencing with Section 114377) to Part 7 of Division 104 of the Health and Safety Code, relating to food facilities.

### LEGISLATIVE COUNSEL'S DIGEST

AB 97, as amended, Mendoza. Food facilities: trans fats.

The California Uniform Retail Food Facilities Law (CURFFL) provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Health Services. Under existing law, local health agencies are primarily responsible for enforcing CURFFL. The violation of the law is a misdemeanor. Effective July 1, 2007, the duties of the department shall be transferred to the State Department of Public Health.

This bill would require every food facility, *except a public school cafeteria*, to maintain on the premises the label required for any food or food additive that is or includes any fat, oil, or shortening, for as long as this food or food additive is stored, distributed, or served by, or used in the preparation of food within, the food facility.

This bill would also, ~~on and after July 1, 2009~~ *commencing January 1, 2010*, prohibit oil, shortening, or margarine containing specified trans fats for specified purposes, from being stored, distributed, or served by, or used in the preparation of any food within, a food facility. It would

also, ~~on and after~~ *commencing* July 1, 2010, prohibit any food containing artificial trans fat, from being stored, distributed, or served by, or used in the preparation of any food within, a food facility. The bill would exempt from these prohibitions, *public school cafeterias* and food sold or served in a manufacturer's original, sealed package.

By creating a new crime and adding to the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 12.6 (commencing with Section 114377)  
2 is added to Part 7 of Division 104 of the Health and Safety Code,  
3 to read:

4  
5 CHAPTER 12.6. TRANS FATS

6  
7 114377. (a) Every food facility shall maintain on the premises  
8 the label for any food or food additive that is or includes any fat,  
9 oil, or shortening, for as long as this food or food additive is stored,  
10 distributed, or served by, or used in the preparation of food within,  
11 the food facility. The label described in this subdivision refers to  
12 the label that is required by applicable federal and state law to be  
13 on the food or food additive at the time of purchase by the food  
14 facility.

15 (b) ~~(1) On and after July 1, 2009~~ *Commencing January 1,*  
16 *2010*, no oil, shortening, or margarine containing artificial trans  
17 fat for use in spreads or frying, except for the deep frying of yeast  
18 dough or cake batter, may be stored, distributed, or served by, or  
19 used in the preparation of any food within, a food facility.

1     (2) ~~On and after~~ *Commencing* July 1, 2010, no food containing  
2 artificial trans fat, including oil and shortening that contains  
3 artificial trans fat for use in the deep frying of yeast dough or cake  
4 batter, may be stored, distributed, or served by, or used in the  
5 preparation of any food within, a food facility.

6     (c) Subdivision (b) shall not apply to food sold or served in a  
7 manufacturer's original, sealed package.

8     (d) For purposes of this section, a food contains artificial trans  
9 fat if the food contains vegetable shortening, margarine, or any  
10 kind of partially hydrogenated vegetable oil, unless the label  
11 required on the food, pursuant to applicable federal and state law,  
12 lists the trans fat content as less than 0.5 grams per serving.

13     (e) *This section shall not apply to public elementary or*  
14 *secondary school cafeterias.*

15     ~~(e)~~

16     (f) Notwithstanding Section 114395, a violation of this section  
17 shall be punishable by a fine of not less than twenty-five dollars  
18 (\$25) or more than one thousand dollars (\$1,000).

19     SEC. 2. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution for certain  
21 costs that may be incurred by a local agency or school district  
22 because, in that regard, this act creates a new crime or infraction,  
23 eliminates a crime or infraction, or changes the penalty for a crime  
24 or infraction, within the meaning of Section 17556 of the  
25 Government Code, or changes the definition of a crime within the  
26 meaning of Section 6 of Article XIII B of the California  
27 Constitution.

28     However, if the Commission on State Mandates determines that  
29 this act contains other costs mandated by the state, reimbursement  
30 to local agencies and school districts for those costs shall be made  
31 pursuant to Part 7 (commencing with Section 17500) of Division  
32 4 of Title 2 of the Government Code.